

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Atlantic Abatement Corp. of New England

Petition No. 2003-0620-053-005

CONSENT ORDER

WHEREAS, Atlantic Abatement Corp. of New England of Warwick, Rhode Island (hereinafter "respondent") has been issued license number 000060 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about December 2001 through August 8, 2002, respondent was the asbestos contractor for an asbestos abatement project at the former Belden Mills complex located on Route 12, Thompson, Connecticut (hereinafter "the property"). On or about September 6, 2002, the Department performed a compliance inspection at the property and observed an unmarked, locked asbestos waste trailer that had been maintained by respondent during the course of respondent's work at the property.
2. Upon arranging for the removal of the trailer's lock, the Department discovered that, in connection with the asbestos abatement project at the property, respondent:
 - a. failed to place all asbestos waste in leak-tight containers;
 - b. failed to label said asbestos waste with the name of the waste generator and location at which the waste was generated in accordance with the Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants; and

- c. failed to properly label all leak tight asbestos waste containers in accordance with applicable federal regulations, OSHA 29 C.F.R. 1926.58 and EPA 40 C.F.R. Part 61.152.

3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-4(a), 19a-332-5(j) and 19a-332a-5(k) of the Regulations.

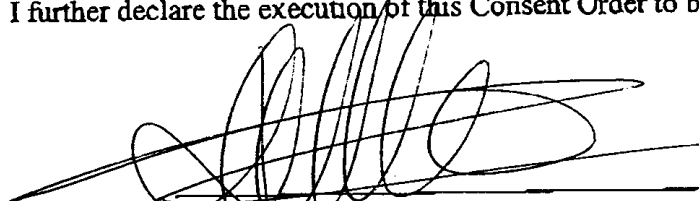
WHEREAS, respondent, while admitting to no guilt or wrongdoing, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 19a-17 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

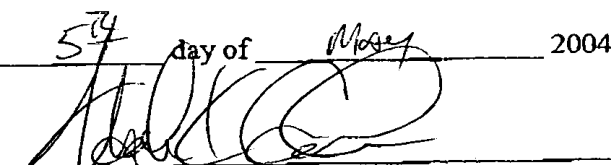
1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000060 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand dollars (\$2,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check. Said civil penalty shall be payable at the time respondent submits this executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.

5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the date this Consent Order is accepted by the Department.
7. Respondent understands this Consent Order may be considered as a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any proceeding before the Department in which its compliance with this Consent Order or with Chapters 400a or 3681 of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.
12. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

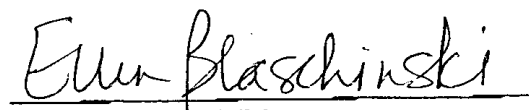
I, Jon D. Miller, President of Atlantic Abatement Corp. of New England, have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind Atlantic Abatement Corp. of New England to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Jon D. Miller, President
Atlantic Abatement Corp. of New England

Subscribed and sworn to before me this 5th day of May 2004.


Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 13th day of
May 2004, it is hereby accepted.


Ellen Blaschinski, Director
Division of Environmental Health
Bureau of Regulatory Services